



PLANNING COMMISSION

Department of Planning and Development Services P.O. Box 27210 Tucson, Arizona 85726-7210

Approved by Planning Commission
On January 6, 2010

Date of Meeting: December 2, 2009

The meeting of the City of Tucson Planning Commission was called to order by Catherine Applegate Rex, Chair, on Wednesday, December 2, 2009, at 6:00 p.m., in the Mayor & Council Chambers, City Hall, 255 W. Alameda Street, Tucson, Arizona. Those present and absent were:

1. ROLL CALL

Present:

Catherine Applegate Rex, Chair
Brad Holland, Vice Chair
Rick Lavaty
Joseph Maher, Jr.
Mark Mayer
Shannon McBride-Olson
William Podolsky
Thomas Sayler-Brown
Daniel J. Williams
Craig Wissler

Member at Large, Ward 5
Member, Ward 6
Member at Large, Ward 1
Member at Large, Ward 6
Member, Ward 5
Member, Ward 2
Member at Large, Ward 4
Member, Mayor's Office
Member, Ward 1 (departed at 7:05 p.m.)
Member, Ward 3

Absent:

Staff Members Present:

Ernie Duarte, Planning and Development Services, Director
Jim Mazzocco, Planning and Development Services, Planning Administrator
Adam Smith, Planning and Development Services, Principal Planner
Tom McMahon, Principal Assistant City Attorney
Jonathan Mabry, Housing and Community Development, Historic Preservation Officer
Erin Morris, Planning and Development Services, Project Coordinator
Ceci Sotomayor, City Clerk's Office, Secretary

2. CORRECT THE OCTOBER 7, 2009 MINUTES REGARDING MILES NEIGHBORHOOD PLAN PUBLIC HEARING.

It was moved by Commissioner Lavaty, duly seconded, and carried by a voice vote of 10 to 0, to reset the approval of the October 7, 2009 minutes at the next Planning Commission meeting and accept the following corrections:

- On page twelve, second paragraph from the bottom, regarding the *West University Neighborhood Plan Amendment*, the words “Chair Williams” be replaced with “Commissioner Williams.”
- On page seventeen, under *Arroyo Chico Area Plan*, adopted 1986, the first and second bullets were combined to reflect the point made, which was that policy issues guided by the Area Plan include “issues of density and land uses.”
- On page eighteen, under Public Meeting Discussion following *Plan Review*, the first two bulleted items were corrected to reflect that they were questions asked, rather than statements made.
- On page nineteen, in the sixth full paragraph, correction was made to indicate the more general explanation given to the use of strategies (plural) and policy statements (plural) in the plan.
- On page twenty, in the third full paragraph, correction was made to add explanation of “the verbiage.”
- On page twenty, in the second to last full paragraph, the stated location of future land uses “along Kino Parkway” was added.
- On page twenty-four, second bullet point, regarding the Update on Riparian Habitat Standards Item, the word “internet” be replaced with “intent.”

Chair Rex announced Commissioner Podolsky also had some corrections to the October 7, 2009 regarding the *West University Neighborhood Plan Amendment*.

Commissioner Podolsky said, regarding the *West University Neighborhood Plan*, beginning on page seven and continuing on page eight, he would like the actual verbatim transcript typed by the City Clerk’s office taken from the taped minutes of October 7, 2009 to be inserted.

Chair Rex said, since the other Commissioner’s did not receive copies of the transcript, she recommended to continue this item for one more meeting. She also stated there was no need for Ms. Ruopp to give her presentation again, since it was already heard by the Commission and the only item for consideration concerned the portion of the minutes that Commissioner Podolsky was referencing. She asked Tom McMahon, Principal Assistant City Attorney, his opinion on this matter.

Mr. McMahon stated it would be appropriate to put this item on a future agenda. He said this agenda did not call for action on this subject.

3. MINUTES FOR APPROVAL: NOVEMBER 4, 2009

Chair Rex announced the next item was the approval of the November 4, 2009 minutes and asked if there were any corrections, discussion, or motions.

It was moved by Commissioner Lavaty, duly seconded, and carried by a voice vote of 10 to 0 to approve the November 4, 2009, minutes.

4. APPROVAL OF THE 2009 MEETING SCHEDULE

Chair Rex announced there was an error on the agenda. The schedule to be approved was for the 2010 year. The agenda was incorrect, but the meeting schedule in the packet was correct.

Commissioner Lavaty asked the City Attorney if it was appropriate to adopt the 2010-meeting schedule if the item was advertised as the 2009 meeting scheduled.

Tom McMahon, Principal Assistant City Attorney, replied that he considered the same thing and hoped it was such an obvious scrivener's error that it gave notice to anyone that the meeting schedule being considered was for the year 2010. He suggested the item be continued.

Chair Rex also recommended to continue the item to the next meeting.

Jim Mazzocco, Planning and Development Services Planning Administrator, said the January 6, 2010, meeting needed to be approved until the remaining 2010 dates were approved at the next meeting.

It was moved by Commissioner McBride-Olson, duly seconded, and carried by a voice vote of 10 to 0, to accept January 6 to be the first meeting of 2010, and continue the acceptance of the remaining 2010 meeting dates at the January meeting.

5. PROCESS FOR SELECTION OF CHAIR AND VICE CHAIR

Chair Rex said the Commissioners were handed copies of the January 2008 and January 2009 Planning Commission minutes for reference. She explained that typically the Chair could serve for a single term, but the rules were waived to allow her to serve a second term. Last year, the Planning Commission approved a special condition that was not typical. Chair Rex suggested the Planning Commission return to the way selections were done in previous years, and select a new Chair and Vice Chair. She said she enjoyed and appreciated leading the group, but it was fair that someone else take over the role of Chair.

Chair Rex explained in previous years, the Chair and Vice Chair would form as a separate subcommittee and create a nominating slate to be reviewed and voted upon.

It was moved by Commissioner Lavaty, duly seconded, and passed by a voice vote of 10 to 0, for a subcommittee to be formed consisting of Chair Rex and Vice Chair Holland to create a nominating slate for 2010 Chair and Vice Chair to be reviewed at the January meeting.

6. STUDY SESSION - ARCHITECTURAL DOCUMENTATION – LUC TEXT AMENDMENT

Chair Rex announced the packets were missing the staff memo and asked the Commissioners if they would like to continue the item as a study session since they did not have all the materials ahead of time. Erin Morris, Planning and Development Services, Project Coordinator passed out copies of the staff memo at that time. Chair Rex asked if there was any discussion on this item. Hearing none, she asked for the staff presentation.

Jonathan Mabry, City Historic Preservation Officer, said this item was a continuation of the discussions held at the November 4, 2009, Planning Commission Study Session. He said they received many recommendations on how to improve the amendment. Since that meeting, they also presented the draft amendment to the Citizens Land Use Code Committee and the Tucson Pima County Historical Commission. He said they received valuable input from those groups.

Mr. Mabry explained Staff worked to revise and incorporate the recommendations from the Planning Commission, Citizens Land Use Code Committee, and the Tucson Pima County Historical Commission. The results were summarized in the report that was distributed that evening to the Commissioners and described the following changes:

Recommended Changes from the Planning Commission:

- The document was made easier to read and submittal requirements clear and specific.
- Terms were removed that were unclear and inconsistent with the *Land Use Code*.
- Unnecessary acronyms were removed.
- The review process was clarified and information was included to specify which City staff would conduct the reviews.
- Timelines were added for each step in the review process.

Recommended Changes from the Citizens Land Use Code Committee:

- A requirement to include a “context photograph” was added that would show site use landscaping with the relations with the adjacent buildings.
- Language was added that would direct the applicant to the Planning and Development Services Department for further information.

Recommended Changes from the Pima County Historical Commission:

- Language was added requesting copies of any old photographs of the building if they were in the possession of the owner.

Mr. Mabry asked if there were any questions regarding the summary of the revisions.

Chair Rex asked Mr. Mabry if the bullet points were addressed in the report that was handed to the Commissioners that evening.

Mr. Mabry confirmed they were.

Chair Rex said one of the difficult things was that the draft did not include notations to be able to compare with drafts they previously reviewed.

Mr. Mabry explained they went through multiple drafts and revisions, so it was not possible to present a strike-through version of the document and it would not have been readable. He said he was presenting a fresh version to the Commissioners and hoped it was clear.

Commissioner Maher commented the draft was much, much better than the previous document initially presented to the Commission. On a personal note, he apologized to Mr. Mabry for not recognizing that he was the Historic Preservation Officer, because the agenda never lists who makes the presentations.

Commissioner Sayler-Brown said he had a question and related it to his own property. He said he had a seventy-year old house that was listed as a contributing property in the neighborhood. Over the last thirteen years, he had made many renovations and additions to the property, so the property looked better now than when he bought it. He asked if it would be possible, under the required documentation, to have a letter from a professional, like an architect, who would be familiar with what made buildings significant. He said that age was not the only factor and at some point, if he would like to tear down his property and turn in pictures, it was possible the property would now be classified as a significant structure. He asked if he could write a letter describing all the changes or verbally describe the significance of the property, and also based on his experience with historic properties, if a letter would be a ligament piece of document that could be offered.

Mr. Mabry replied a letter could be submitted, but the information would be considered an option as an attachment to the submittal requirements. He explained they were trying to keep the submittal requirements simple and straightforward, so anybody could do it. He added that it would not prevent Commissioner Sayler-Brown from demolishing his property, because the submitted photographs of all sides of the building would illustrate the changes and additions. If his property was a contributor to the Historic District, then he would need to submit Full Documentation in addition to the photographs of all the sides of the building. On the measured floor plan, included with the Full Documentation, he could simply mark which were the additions to the original

building and give a description of the construction materials that were used. Mr. Mabry said that would be all Commissioner Saylor-Brown would have to do.

Chair Rex asked if there was a separate fee associated with the requirement process.

Ernie Duarte, Planning and Development Services Director, said there was a fee of one hundred and sixty dollars which was similar to the Historic Review application fee.

Chair Rex asked if there were historic buildings with newer portions, could the newer portions be demolished without going through the application process, because it was not the way she understood the applicability portion of the process.

Mr. Mabry said the process applied to partial demolitions as well as total demolitions. He added during the first step of the submittal, the applicant would describe which portion of the building they intended to demolish. However, the review process would still be required because City staff would still need to understand which portion of the building was being demolished, and what type of documentation was necessary. If demolition was for a modern addition, then Full Documentation would not be required.

Chair Rex said the document read that Full Documentation was required if it was a contributing property even if there were newer portions of the addition. She repeated, there was a disconnect between the applicability and the Full Documentation. Under the Full Documentation portion, it read, "all buildings that were fifty or more years old." Under the applicability portion, it read, "for a building that was partially or entirely over fifty years old."

Mr. Mabry said the first step in the review process was to submit Minor Documentation. At that point, City staff had the discretion to determine if the Minor Documentation was adequate for the project or if the Full Documentation was required according to the criteria.

Chair Rex suggested the wording in the applicability needed to be modified to match the wording in the Minor and Full Documentation. She said both read "for buildings fifty or more years old." She added, under the applicability requirements where portions that were "less than," applicants would need to go through the needless effort for something that did not apply.

Mr. Mabry said they could make that revision.

Commissioner Lavaty said he was uncomfortable with some of the language and concurred with Chair Rex. He said he would like to have the time to compare both documents side by side.

Motion by made by Commissioner Lavaty, duly seconded, and carried by a voice vote of 10 to 0, to continue this item as a Study Session at the January meeting.

Commissioner Mayer said he had a comment that was technical in nature in terms of how code was written. If this item was continued for the next meeting, he said he hoped his comment would be accommodated. Under the Minor and Full Documentation, under sections 5.3.11.4 and 5.3.11.5, it started with the titles of Minor Documentation and Full Documentation, but the document never defined them or stated what the requirements were. It was essentially implied, but not stated. He said both those sections would greatly benefit by starting with the actual language that was used in the attached administrative documents that read “Minor Documentation was required for all buildings.” He suggested having language that indicated what the Minor Documentation was and who was going to review it.

Commissioner Mayer said the document did not state what the requirements of the code were or exactly what Minor Documentation and Full Documentation were.

Chair Rex asked Commissioner Meyer if he wanted the checklists submitted.

Commissioner Mayer suggested the first sentence in each of the submittal checklists should actually be the lead sentence of those sections. It should be followed by a phrase that would indicate that the lists would constitute either Minor Documentation or Full Documentation and also who would be reviewing it.

Chair Rex agreed and commented it was a good point.

Mr. Mabry said he was taking notes on the suggestions. He said the revised document would be rewritten so Commissioners would be able to compare both versions side by side.

Chair Rex said she appreciated the work done by staff on the item.

7. STUDY SESSION - CHARTER SCHOOLS IN EXISTING RESIDENCES – LUC TEXT AMENDMENT

Adam Smith, Planning and Development Services, Principal Planner said on October 1, 2009, a new State statute went into effect requiring charter schools to be classified the same as public schools for zoning and zoning fee purposes. It allowed counties or municipalities to adopt zoning regulations that prohibited charter schools from operating in an existing single family residence that was located on a property of less than one acre. Mr. Smith said to implement this provision, a city or county would have to amend their respective zoning codes. The Charter School text amendment for the Planning Commission’s consideration did just that.

Mr. Smith said the proposed amendment created a new subsection “H” to Section 3.5.3.7 (Educational Uses) of the *Land Use Code* that read: “A single family residence on less than one acre shall not be occupied as or converted into a charter school.” The amendment was straightforward, and it was staff’s recommended this item be set for a Public Hearing in January.

Chair Rex asked if “A” and the “B” were listed just to show that there was an item “H” on the attachment.

Mr. Smith said it was included for contextual reasons.

Chair Rex asked if there were additional questions or discussion. Hearing none, she asked if there was a motion.

Motion by made by Commissioner Williams, duly seconded, and carried by a voice vote of 10 to 0, to set this item for public hearing on the next Planning Commission meeting.

Mr. Mazzocco added, because of the new start time of the Planning Commission meetings, this item would be publicized at a start time of 7:00 p.m. or later.

8. STUDY SESSION - UPDATE ON *LAND USE CODE* SIMPLIFICATION PROJECT

Jim Mazzocco, Planning and Development Services Planning Administrator, said he frequently would be bringing back the item to inform the Planning Commission the status of the Simplification Project. Sometimes the draft documents would be brought back for the Commissioners to review prior to the meetings and other times they would verbally inform the Commissioners where they stood with the task load.

Mr. Mazzocco said his presentation was an overview of the *Unified Development Code*’s Organization. He said they were changing the name of the *Land Use Code* to the *Unified Development Code*. The term *Unified Development Code* was a common term now being used nationally that referred to documents that contained both land use regulations and sub-division regulations.

Mr. Mazzocco said the consultants recommended the City reorganize the Land Use Code into eleven chapters. He said they have gone public with Articles 1 and 2, and were waiting for Articles 8, 9, and 10 to be sent back with Staff’s comments. He said Article 3 was a very long, detailed, and complicated document containing all the review procedures. This was also the section where the development standards and the compliance codes held all the procedures for public notices and public hearings. He said they were trying to integrate that portion with the *Land Use Code* Procedures and it was a monumental task. He mentioned the consultant had not submitted a draft for Articles 4,5,6,7, and 11. However, before anything would be done with the Development Designator System, the consultants were asked for a three or four page strategy, which they were preparing.

Mr. Mazzocco said staff went to Mayor and Council on October 20, 2009 to present an update on the Simplification Project at a study session. The Mayor and Council asked staff to continue to:

- Proceed to follow the simplification goals – clarifying, consolidating information from the multiple documents.

- Return with issues during the review process from committees, staff, attorneys, and Commission that needed evaluation to be considered as part of early recommendations.
- Continue to review items noted by staff so far.

Mr. Mazzocco explained some of the examples of the change issues that had come forward so far:

- Changes to HPZ appeal process ref DRB
- Land split/subdivision organization
- Transition regulations
- Minor meeting adjustments
- Development plan re-write
- Rezoning references
- Use lists
- Dimensional system replacement
- Compatibility standards
- Design Professional
- Submittal criteria in policy manuals
- Department reorganization

Mr. Mazzocco explained as they worked through the changes, they saw three simplifying goals they needed to focus on:

- Reduce the overall size of the *Unified Development Code*.
- Whenever possible, place all the information on one place in an easily recognizable area.
- Make page flipping as efficient as possible.

Mr. Mazzocco described the following issues that staff was facing regarding Article 3:

- Showed integration of 23-A (Public notice procedures) and Development Standards.
- Contained encouraging simplified tables.
- It had numerous typos and cross reference problems.
- It still required multiple page flipping to find information. It still needed a major re-haul to address page flipping.
- There was still numerous redundancies
- The organization was still confusing and disorienting
- Disposition report still was not submitted, although staff had completed some re-writing.

Mr. Mazzocco explained the Evolving Timeline, and said he was looking at the completed draft being available in August of 2010, but would know how long it would take after Article 3 and the Development Designator ideas were completed. It said it could be between December 2010 and April 2011 when the draft would be presented to Mayor and Council.

Commissioner Williams asked if graphics would be incorporated in the document because it was always helpful to depict what they were trying to say.

Mr. Mazzocco said the consultants were very good in working with graphics and he expected there would be some. He explained the pages and tables were set up in color, so the document was more pleasing to the eye.

Commissioner Lavaty asked when the document was ready to be reviewed by the Commission, if it would be possible to ask the consultants for an electronic version instead of just a printed copy. Since the document could be large, it would be easier to review if it was in an electronic version.

Mr. Mazzocco said that could be done and electronic versions were going to be placed on the website.

Commissioner Maher commended Mr. Mazzocco, Mr. Smith, and staff, for the work they put into the document. He said regarding land-splits, he would like to see people hire a surveyor and have a code check before they split land. Regarding development plan rewrites, he asked if they were still construction documents and not back to concept plans.

Mr. Mazzocco said the development plan was very basic and did not go into the details of what needed to be submitted. The details would be addressed in the Administrative Manual or what staff called, the Development Package. That was where the steps would be determined based on the complexity of the project.

NOTE: Commissioner Williams departed at 7:05 p.m.

Mr. Mazzocco also explained some examples of how the Development Designator was going to be improved. He said there were some hard decisions that had to be made and will bring those decisions to the Commission.

Commissioner Maher said some of the language was so vague or intentionally vague that at times staff would need to go to the City Attorney for directions. He said he was hoping the new code was leaning toward a design code and easier to understand and not language so difficult that only an attorney could give direction. It was difficult and frustrating to try to deal with language that had no respect for a design semblance for a code that dealt with buildings and plats that needed to be designed.

Mr. Mazzocco said this was a simplification process and they were not getting into broad policy issues. However, there was one big policy issue that was going to be addressed at this time and that was the parking issue. He explained the parking issue was a major revision in the document. Landscaping, loading zones and issues with infill would be addressed in the future. He said after this revision was completed, there would be another revision lined up to go through the code to make it more sustainable.

Chair Rex complimented Mr. Mazzocco and said she appreciated the update. It was good to know the document was progressing.

9. OTHER BUSINESS

a. Mayor and Council Update

Ernie Duarte, Planning and Development Services Department (PDSD) Director, announced the following:

- At the Mayor and Council Regular meeting held November 24, 2009, the Mayor and Council approved and adopted the Feldman's Neighborhood Preservation Zone.
- On Monday, December 7, 2009, the Mayor and Council would be hearing the Main Gate Plan Amendment.

b. Other Planning Commission Items (Future Agenda Items for Discussion/Assignments)

- Approval of the October minutes.
- Selection of Chair and Vice Chair.
- Approval of the 2010 meeting schedule, other than the January meeting.
- The Land Use Code – Architectural Documentation would be continued as a Study Session.
- Charter Schools Public Hearing
- Presentation of the completed report of the City/County Water and Wastewater Study.

c. Update on Water and Wastewater Study Oversight Committee by Planning Commission Members

Commissioner Maher announced the presentation regarding the Committee's final report of the City/County Water and Wastewater Study would be available at the January 6, 2009 Planning Commission meeting. He said the draft was on the City's web site for review and it was an incredible document.

10. CALL TO THE AUDIENCE

There were no speakers.

11. ADJOURNMENT – 7:17 p.m.